

Sixth Appellate District

San Jose, California

MONDAY, JUNE 17, 2002

H021249 TUCKER v. OTT

By the Court*:

Appellant's petition for rehearing is denied.

Filed: June 17, 2002

*Before Bamattre-Manoukian, Acting P.J. and Wunderlich, J.

H023056 DEPT. OF FAMILY & CHILDREN'S SERVICES v. KIMBERLY I.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: June 17, 2002

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H023022 SILVA v. SILVA

The judgment is reversed. The trial court is directed as follows.

- (1) Make findings as to the landscaping business's annual income for the relevant two years, calculate the average annual income for that two-year period, calculate 25 percent of that average, and recalculate the value of the landscaping business for purposes of the judgment dividing the community property.
- (2) Correct the statement of decision and judgment to reflect that the AT&T Mastercard debt is \$700 and account for this new amount in the judgment dividing the community property.
- (3) Make specific findings on husband's *Watts* and *Epstein* evidence and account for the findings in the judgment dividing the community property.
- (4) Clarify the judgment to eliminate the \$5,000 duplication in attorney fees that the husband was ordered to pay. Make specific findings on husband's delinquent mortgage payments and, if there is a duplication in the six-payment order to reimburse \$4,665.82 and two-payment component within the \$10,000 IRA order, eliminate the duplication in the judgment dividing the community property.

Husband is awarded costs on appeal. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)

Filed June 17, 2002

Sixth Appellate District

San Jose, California

Monday, June 17, 2002 (Continued)

H022046 CENTURY INDEMNITY COMPANY, et al. v. HEARREAN, et al.

By the Court*:

Appellants' petition for rehearing is denied.

Filed: June 17, 2002

*Before Premo, Acting P.J., Mihara, J. and , J.

H021768 CITY OF GONZALEZ v. CITY OF SOLEDAD

By the Court*:

Appellant's petition for rehearing is denied.

Filed: June 17, 2002

*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Rushing, J.

TUESDAY, JUNE 18, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and Beth Miller, Deputy Clerk.

H023435 PEOPLE v. OFIR M.

Cause called and argued by Bruce R. Finch appearing for Appellant and by William M. Kuimelis appearing for Respondent. Cause ordered submitted.

H022895 COUNTY OF SANTA CLARA v. GOURLEY

Cause called and argued by Cory Alexander Birnberg appearing for Appellant and by Mary Roth, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and W. Magsaysay, Deputy Clerk.

H022952 PEOPLE v. MORENO

Cause called and argued by Christopher Martin, Deputy District Attorney, appearing for Appellant and by Elisa A. Brandes appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, June 18, 2002 (Continued)

H022932 PEOPLE v. CORTEZ

Cause called and argued by Brian A. Pori appearing for Appellant and by Matthew P. Boyle, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022536 GARCES v. CITY OF SAN JOSE, et al.

Cause called and argued by David DeRobertis appearing for Appellant and by David M. Rollo, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

H023010 ATWATER v. LAW OFFICES OF CHILTON LEE, et al.

Cause called and argued by Cynthia L. Chase appearing for Appellant and by Michael Velluva appearing for Respondents. Cause ordered submitted.

H023360 HUYETT v. COUNTY OF SANTA CLARA, et al.

Cause called and argued by appellant Dee Huyett appearing in pro per and by Aryn Harris, Deputy County Counsel, appearing for Respondents. Cause ordered submitted. Court adjourns.

H022256 PEOPLE v. STAUNTON

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed June 18, 2002

H021613 PEOPLE v. SIMPSON

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed June 18, 2002

H023438 PEOPLE v. CESAR B.

The judgment of wardship is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed June 18, 2002

H023261 PEOPLE v. UBALDO B.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed June 18, 2002

Sixth Appellate District

San Jose, California

Tuesday, June 18, 2002 (Continued)

H023329 PEOPLE v. CRYSTAL G.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed June 18, 2002

H022493 LIN, et al. v. LAW, et al.

By the Court*:

Appellants' petition for rehearing is denied.
Filed: June 18, 2002
*Before Premo, Acting P.J. and Wunderlich, J.

H021922 PEOPLE v. GARCIA

The judgment is reversed and the matter is remanded for
resentencing. (not published)
(Bamattre-Manoukian, Acting P.J.; I concur: Mihara, J.;
dissenting opinion by Rushing, J.)
Filed June 18, 2002

WEDNESDAY, JUNE 19, 2002

H023749 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed June 19, 2002

H022501 PEOPLE v. WEST

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)
Filed June 19, 2002

H023349 In re ALICIA W.

The order is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)
Filed June 19, 2002

Sixth Appellate District

San Jose, California

Wednesday, June 19, 2002 (continued)

H022127 HEIDINGER, et al. v. MARTINS, et al.

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 19, 2002

H022648 HAMPTON, et al. v. POGREBNEAK

The judgment (denominated an "order") is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed June 19, 2002

H023542 PEOPLE v. PINEDA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed June 19, 2002

H021752 AVCO FINANCIAL SERVICES OF HAWAII, INC. v. SHAPIRO & MILES, et al.

For these reasons, the judgment of the trial court is reversed. The parties shall each bear their own costs on appeal. (not published)

(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed June 19, 2002

H022392 DOBSON, et al. v. HERSHBERGER, et al.,

The judgment is affirmed. Costs to defendant. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)

Filed June 19, 2002

THURSDAY, JUNE 20, 2002

H021917 PEOPLE v. LOPEZ

The judgment is reversed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed June 20, 2002

In The Court Of Appeal Of The State Of California 116
Sixth Appellate District
San Jose, California

Thursday, June 20, 2002 (Continued)

H021861 PEOPLE v. TRAN

By the Court*:

Appellant's petition for rehearing is denied.

Filed: June 20, 2002

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H022365 CITY OF SARATOGA v. WEST VALLEY-MISSION COMMUNITY
COLLEGE DISTRICT

By the Court*:

Respondent's petition for rehearing is denied.

Filed: June 20, 2002

*Before Wunderlich, Acting P.J., and Mihara, J.

H022909 INTEGRAL DEVELOPMENT CORP. v. WEISSENBAACH

The order granting defendant's motion to quash service of
summon and dismissing the case is reversed. Appellant to have
costs on appeal. (published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,
J.)

Filed June 20, 2002

H021625 PEOPLE v. BURNIAS, et al.

The judgment is reversed, and the matter is remanded for the
limited purpose of permitting Guillen and Burnias to move to
withdraw their pleas with the assistance of appointed counsel.
If the motion by either defendant is denied or not made within 20
days from the date the remittitur is filed, the trial court shall
reinstate the judgment. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed June 20, 2002

H022145 PEOPLE v. LOPEZ

The judgment is modified to strike the conviction in count 2
for violating Health and Safety Code section 11350, possession of
heroin. The Clerk of the Court is instructed to amend the
Abstract of Judgment to reflect this modification and forward the
amended abstract to the Department of Corrections. As so
modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed June 20, 2002

In The Court Of Appeal Of The State Of California 117
Sixth Appellate District
San Jose, California

Thursday, June 20, 2002 (Continued)

H023696 PEOPLE v. JONES

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing,
J.)
Filed June 20, 2002

FRIDAY, JUNE 21, 2002

H021908 PEOPLE v. PESCE

The restitution order is reversed. The trial court is
directed to enter a new order directing restitution for only
those amounts taken by appellant during the charged periods. (not
published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed June 21, 2002

H022906 PEOPLE v. HERRERA

The judgment is reversed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed June 21, 2002

H021238 PEOPLE v. SCOTT

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed June 21, 2002

H022834 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v.
AMALGAMATED TRANSIT UNION, DIVISION NO. 256

By the Court*:

Appellant's petition for rehearing is denied.
Filed: June 21, 2002

*Before Premo, Acting P.J., and Wunderlich, J.